

REMARKS

This responds to the Office Action dated November 25, 2008, and follows up on a telephone interview conducted with Examiner Addie on March 11, 2009.

Claims 34 and 40 have been canceled, while claims 1 and 35 have been amended in accordance with the Examiner's indication of allowable subject matter and also in accordance with the telephone interview as further discussed below. Claim 29 has also been canceled as the subject matter thereof has been added to independent claim 1.

The Telephone Interview

On March 11, 2009, Applicants undersigned counsel and Examiner Addie discussed the objection made in the last Office Action to dependent claims 30, 31 and 39. First, the Examiner confirmed that the Office Action summary page should have listed dependent claims 30 and 31 as being "objected to" in addition to dependent claim 39. The Examiner further agreed that the numerical recitations contained in dependent claims 30 and 39 were not necessary to patentability and, therefore, could remain in dependent form. The remaining subject matter of dependent claims 29 and 30 has been added to independent claim 1, and the remaining subject matter of dependent claim 39 has been added to independent claim 35. Claim 35 has further been amended to delete "marker hole" and add "mark" in its place for purposes of correcting an antecedent basis issue. With these amendments, Applicants respectfully submit that claims 1-28, 30-33, and 35-39 are allowable and respectfully requests a notice of allowance at this time.

The Examiner and Applicants' counsel further discussed the IDS filed on December 20, 2007 and indicated by the Examiner in an Office Action dated April 21,

2008 as not having been considered as to the merits. During the telephone interview, the Examiner has confirmed that the reason the Information Disclosure Statement and documents submitted therewith were not considered was because the Examiner believed that the documents pending in a foreign court of law were not material to the prosecution of the present application, and that resubmitting the documents in another format would not result in any further consideration as to the merits. For this reason, it is believed that Applicants have complied with their duty of disclosure in this regard under 37 C.F.R. § 1.56.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response other than the extension fee. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,
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